

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MANOJ P. SINGH, individually and on behalf of all others similarly situated,)	Case No. 4:14-cv-00959-O
Plaintiff,)	
v.)	
RADIOSHACK CORPORATION, ET AL.,)	
Defendants.)	
<hr/>		
JEFFREY SNYDER, individually and on behalf of all others similarly situated,)	Case No. 4:14-cv-00978-O
Plaintiff,)	
v.)	
RADIOSHACK CORPORATION, ET AL.,)	
Defendants.)	
<hr/>		
WILLIAM A. GERHART, on behalf of himself and the RadioShack 401(k) Plan and the RadioShack Puerto Rico 1165(e) Plan, and/or alternatively on behalf of a class consisting of similarly situated participants and beneficiaries of the Plans,)	Case No. 3:14-cv-04419-G
Plaintiff,)	
v.)	
RADIOSHACK CORPORATION, ET AL.,)	
Defendants.)	
<hr/>		

**PLAINTIFFS MANOJ P. SINGH AND JEFFREY SNYDER'S MOTION
TO CONSOLIDATE CASES, APPOINT KESSLER TOPAZ MELTZER
& CHECK, LLP AND CONNOLLY WELLS & GRAY, LLP INTERIM
CO-LEAD CLASS COUNSEL, AND APPOINT LACKEY HERSHMAN,
LLP INTERIM LIAISON CLASS COUNSEL**

Pursuant to Rules 42(a) and 23(g) of the Federal Rules of Civil Procedure, Plaintiffs Manoj P. Singh and Jeffrey Snyder ("Plaintiffs"), by and through their undersigned counsel, respectfully move this Court for the entry of an Order consolidating cases, appointing the law firms of Kessler Topaz Meltzer & Check, LLP ("KTMC") and Connolly Wells & Gray, LLC ("CWG") as Interim Co-Lead Class Counsel, appointing the law firm Lackey Hershman, LLP ("Lackey Hershman") as Interim Liaison Class Counsel, and establishing procedures for the consolidation of future-filed cases. In support of this motion, Plaintiffs aver as follows:¹

1. On November 26, 2014, Plaintiff Singh filed his complaint, styled *Singh v. RadioShack Corporation, et al.*, No. 4:14-cv-00959-O (N.D. Tex.), against RadioShack Corporation and related ERISA² fiduciaries, collectively, "Defendants," on behalf of the RadioShack 401(k) Plan (the "401(k) Plan") and the RadioShack Puerto Rico 1165(e) Plan (the

¹ Counsel for the Plaintiffs in the *Singh* Action conferred with counsel for Plaintiff Snyder, counsel for Defendants, and also with counsel for Plaintiff Gerhart. Counsel for Plaintiff Snyder and counsel for Defendants do not oppose the relief sought by Plaintiffs' motion. Counsel for Plaintiff Gerhart also does not oppose the portion of Plaintiffs' motion seeking the consolidation of actions as discussed herein or the appointment of interim class counsel. However, with respect to which counsel should be appointed interim class counsel, counsel for Plaintiff Gerhart will respond to Plaintiffs' motion as necessary. Further, KTMC and CWG have taken the initiative to engage counsel for Defendants in discussions regarding the instant filing. Lastly, following this Court's December 18, 2014 Order (*Singh* Dkt. No. 7) Plaintiffs will confer with Defendants regarding filing a Joint Report on or before January 16, 2015, wherein the parties will propose a timeline for the events identified in the December 18th Order, including dates by which Plaintiffs will file a consolidated complaint and related briefing thereto, and the date by which Plaintiffs shall move for class certification.

² Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*

“Puerto Rico Plan” and together with the 401(k) Plan, the “Plan” or the “Plans”), himself and other similarly situated participants and beneficiaries of the Plans (“*Singh Action*”).

2. In his Complaint, Plaintiff Singh alleges that Defendants violated their fiduciary duties under ERISA by, *inter alia*, allowing and maintaining the investment of the Plans’ assets in RadioShack Corporation common stock during the period of November 30, 2011, to the present when they knew or should have known that such investment was imprudent.

3. On December 5, 2014, Plaintiff Snyder filed his complaint on behalf of the Plans against Defendants (“*Snyder Action*”), alleging substantively similar violations of ERISA against the same Defendants named in the *Singh Action*.

4. On December 17, 2014, Plaintiff Gerhart filed a substantially similar complaint in the Northern District of Texas, Dallas Division, styled *Gerhart v. RadioShack, et al.*, No. 3:14-cv-04419-G (the “*Gerhart Action*”). The *Gerhart Action* is currently assigned to the Honorable A. Joe Fish.³

5. In accordance with FED. R. CIV. P. 42(a), the above-captioned ERISA Actions should be consolidated because they involve common questions of law and fact.

6. In accordance with FED. R. CIV. P. 23(g)(3) and the recommendations of the *Manual for Complex Litigation (Fourth)* (2014), Plaintiffs Singh and Snyder submit for the Court’s consideration a proposed form of Order which provides for the consolidation of the *Singh* and *Snyder* actions, the *Gerhart Action*, and any future-filed actions arising from the same facts and circumstances, and for the appointment of KTMC and CWG as Interim Co-Lead Class Counsel for the ERISA Actions, and the appointment of Lackey Hershman as Interim Liaison Class Counsel for the ERISA Actions.

³ The *Singh Action*, *Snyder Action*, and the *Gerhart Action* are referred to collectively as the “ERISA Actions.”

7. This Motion is filed with the Court because it has before it the first-filed action. This Motion is based on the accompanying Memorandum of Law and the accompanying Appendix, including the Declaration of Mark K. Gyandoh, the Declaration of Gerald D. Wells, III and all exhibits thereto, and all papers and pleadings in the *Singh* and *Snyder* Actions.

8. A [Proposed] Order is provided for the Court's consideration and convenience.

Dated: December 18, 2014

Respectfully submitted,

/s/ Roger L. Mandel
LACKEY HERSHMAN, LLP

Roger L. Mandel
State Bar No. 12891750
Bruce E. Bagelman
State Bar No. 01509700
2103 Oak Lawn Avenue
Suite 777
Dallas, TX 75219
Telephone: (214) 560-2201
Facsimile: (214) 560-2203
Email: rlm@lhlaw.net
beb@lhlaw.net

Proposed Interim Liaison Class Counsel

Edward W. Ciolko
Donna Siegel Moffa
Mark K. Gyandoh
Julie Siebert-Johnson
(Pro Hac Vice admission to be requested)
**KESSLER TOPAZ MELTZER & CHECK
LLP**
280 King Of Prussia Rd
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
Email: eciolko@ktmc.com
dmoffa@ktmc.com
mgyandoh@ktmc.com
jsjohnson@ktmc.com

Proposed Interim Co-Lead Class Counsel

Gerald D. Wells, III
Robert J. Gray
(Pro Hac Vice admission to be requested)
CONNOLLY WELLS & GRAY, LLP
2200 Renaissance Boulevard
Suite 308
King of Prussia, PA 19406
Telephone: (610) 822-3700
Facsimile: (610) 822-3800
Email: g wells@cwg-law.com
r gray@cwg-law.com

Proposed Interim Co-Lead Class Counsel

LOCAL RULE 7.1(b) CERTIFICATE OF CONFERENCE

On November 26, 2014, I Mark K. Gyandoh of Kessler Topaz Meltzer & Check, LLP, counsel for the Plaintiff in the *Singh* Action conferred via email with Robert J. Gray of Connolly Wells & Gray, LLP, counsel for Plaintiff in the *Snyder* Action, who informed me that Plaintiff Snyder does not oppose Plaintiffs' Motion.

On December 17, 2014, I conferred via email with Matthew A. Russell of Morgan, Lewis & Bockius LLP, counsel for Defendants, who informed me that Defendants do not oppose Plaintiffs' Motion.

On December 18 2014, I, along with Edward W. Ciolko also of Kessler Topaz Meltzer & Check, LLP, conferred via telephone with Michael J. Klein of Stull, Stull & Brody, counsel for Plaintiff Gerhart, who informed me that Plaintiff Gerhart does not oppose the portion of Plaintiffs' motion seeking the consolidation of actions as discussed herein or the appointment of interim class counsel. However, with respect to which counsel should be appointed interim class counsel, Plaintiff Gerhart will respond to Plaintiffs' Motion as necessary.

/s/ Mark K. Gyandoh
Mark K. Gyandoh
KESSLER TOPAZ MELTZER
& CHECK, LLP
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
Email: mgyahdon@ktmc.com

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2014, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which will send a notification to all counsel of record in this Action and, via email, as set forth below, on all counsel of record in the *Snyder* Action and in the *Gerhart* Action:

Gerald D. Wells, III
Robert J. Gray
CONNOLLY WELLS & GRAY, LLP
2200 Renaissance Blvd., Suite 308
King of Prussia, PA 19406
Telephone: 610-822-3700
Facsimile: 610-822-3800
Email: gwellls@cwg-law.com
rgray@cwg-lawcom

William B. Federman (TBA #00794935)
Gregg J. Lytle (TBA# 24086288)
FEDERMAN & SHERWOOD
10205 N. Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
Telephone: (405) 235-1560
Facsimile: (405) 239-2112
Email: wbf@federmanlaw.com
gjl@federmanlaw.com
-and-
2926 Maple Ave., Suite 200
Dallas, TX 75201

Steven L. Rovner
**ROVNER, ALLEN, ROVNER,
ZIMMERMAN AND NASH**
175 Bustleton Pike
Feasterville, PA 19053
Telephone: (215) 698-1800
Facsimile: (215) 355-0940
Email: srovner@dail-law.com

Michael J. Klein
STULL, STULL & BRODY
6 East 45th Street
New York, NY 10017
Telephone: (212) 687-7230
Facsimile: (212) 490-2022
mklein@ssbnny.com

/s/ Roger L. Mandel

Roger L. Mandel